

Application No. 10/561,930
Amendment Dated 12/7/2009
Reply to Office Action of 12/01/2009

REMARKS/ARGUMENTS

Claims 27-45 are pending. In the Office Action dated 12/01/2009, the Examiner set forth a requirement for restriction pursuant to 35 USC 121 and 372, alleging that the subject matter defined by the claims is not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner has restricted the claims into two Groups: Group I, claims 27-38 drawn to a composition comprising clozapine suspension; Group II, claims 39-45 drawn to a method for preparing clozapine suspension.

PCT Rule 13.1 sets forth that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). PCT Rule 13.2 sets forth that the expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The Examiner alleges that the technical feature in the instant claims is an aqueous composition comprising clozapine, which does not define a contribution over the prior art, as disclosed by Eishun (JP 10-175865).

However, in the instant case, the special technical feature which links the claimed inventions is the physicochemically stable aqueous composition of clozapine, which is not taught by Eishun (JP 10-175865). Since the inventions are linked by this special technical feature they are a single inventive concept. In addition, this special technical feature defines an advance over the prior art because the claimed physicochemically stable aqueous composition of clozapine is not taught in the cited prior art. Since this is a novel physicochemically stable aqueous composition of clozapine, produced in a method not taught by the prior art, the claimed

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composition and method are an advance over the prior art.

Since the special technical feature which links the inventions is a contribution over the prior art, the claims have unity of invention under PCT Rule 13.1, and thus the requirement for restriction should be withdrawn. Reconsideration of the restriction requirement is respectfully requested.

Applicant has provisionally elected **with traverse**, Group I, claims 27-38 drawn to a composition comprising clozapine suspension. Claims 27-38 read on the elected invention.

Applicant believes that the foregoing is a full and complete response to the Office Action of record.

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For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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December 7, 2009

Please charge or credit our
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to effect entry and/or ensure
consideration of this submission.